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Sent: Saturday, January 28, 2006 9:39 PM
To: Melissa Miller-Henson
Cc: LWillo1124@aol.com; gaines@lifesci.ucsb.edu
Subject: Tidepool Coalition's Amendment to CCRSG MPA Package 2 re: PGMGFR

Melissa:

Please submit this information to the MLPA BRTF, MLPA SAT and MLPA CCRSG.

Tidepool Coalition aka
COALITION TO PRESERVE and RESTORE PT. PINOS TIDEPOOLS
P.O. Box 433, Pacific Grove, California 93950
Within these areas, no risk of change is considered acceptable unless it is part of a natural process*

January 28, 2006

To: Marine Life Protection Act Blue Ribbon Task Force (BRTF)
Marine Life Protection Act Science Advisory Team (SAT)
Marine Life Protection Act Central Coast Regional Stakeholders Group (CCRSG)

From: Jim Willoughby, Chairman
Tidepool Coalition

Re: Pacific Grove Marine Gardens Fish Refuge (PGMGFR)

Please include this letter as the Tidepool Coalition's position and proposal for the Central Coast. It is submitted as an amendment to the Central Coast Regional Stakeholders Group (CCRSG) MPA Package 2 Proposal. This amendment concerns primarily the proposed designation of "Pacific Grove East" as a State Marine Conservation Area (SMCA).

It is unfortunate, but we believe the Tidepool Coalition was intentionally excluded (by design) from the third CCRSG. We represent a documented 5000 people (names and addresses on petitions) who want to preserve the integrity of the Pacific Grove Marine Gardens Fish Refuge (PGMGFR), which borders the city's coastal boundaries, as a State Marine Reserve.

The Tidepool Coalition has worked seven years on behalf of the Pacific Grove community to protect, preserve and ultimately restore the PGMGFR to its former abundance and grandeur. A successful citywide "Pacific Grove Marine Garden Fish Refuge Marine Conservation and Preservation Initiative" which became Municipal Ordinance 00-12 was submitted to the California Department of Fish and Game and California Fish and Game Commission on June 22, 2000. This constitutional conservation initiative by the people added credence and support to already existing Pacific Grove coastal ordinances under Chapter 14. (Marine Refuge). The question remains, how is the MLPA BRTF going to proceed in view of local law including ordinances, initiatives and grant deeds?

All of the CCRSG's three proposals for the PGMGFR include a piecemeal approach of splitting our city owned refuge into smaller components. In light of scientific evidence that SMR's should be at a minimum 3 - 6 linear miles, the PGMGFR is a perfect 3 mile size in length. Trying to put a SMR at each end and a SMCA in the middle is simply hodgepodge fragmented planning and makes no sense, even to the general public. These proposals certainly do not respect or fulfill the intent of A.B. 993 when conservation and protecting our coastal waters is the primary goal rather than satisfying consumptive stakeholders. It will be an enforcement and management nightmare with different regulations for different sections of the refuge. The MLPA was proposed to be based on the best scientific evidence and local citizens' participation represented in the process at the stakeholders table. Certainly the Coalition represents the conservation minded general public in Pacific Grove.

The following are the reasons why proposal # 2 should be amended to eliminate the 'SMCA' at the very heart of the PGMGFR, and designate our entire refuge as a SMR to preserve the ecological continuum of our historic Marine Garden Fish Refuge.

1. From the Hopkins SMR to the Asilomar Beach is one of the most productive and diversified intertidal resources in the temperate zones of North America. The marine life in this rich area is an ecological habitat that supports fish, invertebrates and plants, including kelp. It must not be broken with SMR's at each end and a SMCA in the middle where a 'free for all' take is permitted.
2. To allow and encourage exploitation and commercialization of our marine life in the very heart of our refuge violates the tenets established in the Pacific Grove Coastal Parks Plan.

The Pacific Grove Coastal Parks Plan was mandated by the California Coastal Commission and adopted by the Pacific Grove City Council August, 1998.

It "seeks to maximize protection of the rich and diverse water and marine resources along the Pacific Grove shoreline. In particular, the following five areas are protected and controlled by local and state regulations, and are considered to hold special significance.....

**Pacific Grove Marine Gardens Fish Refuge
Hopkins Marine Life Refuge
Areas of Special Biological Significance
Crespi Pond (wetland)
Majella Slough (wetland)**

These areas hold extraordinary value and warrant special protection, including preservation and maintenance of their natural condition. Within these areas, no risk of change to their environment is considered acceptable unless it is part of a natural process."

How can the CCRSG take the heart of the refuge, an area of special biological significance, and reduce it to conservation area (SMCA) when it merits full protection as a SMR?

3. Did the MLPA CCRSG choose to ignore scientific testimony of Santa Barbara's Dr. Steven Gaines, (SAT) after he told the BRTF that smaller reserves have less conservation benefits? In contrast, scientific evidence shows that larger reserves provide more long term positive benefits for marine life. There is a critical need to set aside fully protected MPA's, and despite the demonstrative value of SMR's (No Take) areas, only 14 sq. miles of the 220,000 square miles of California coast (6/1000 of 1%) are set aside for genuine fully protected areas.

It also raises serious questions as to why the CCRSG would propose to piece meal a refuge which was once one of the most abundant and diversified marine areas in the temperate zones of North America? Keep in mind, the PGMGFR is the only fish garden in the State of California and lies within a National Marine Sanctuary. The local people expect it to be kept intact and given the highest degree of protection.

4. Before making its decision on which proposal to recommend to the Fish and Game Commission, the BRTF should take into consideration the Grant Deed conveyance to the City of Pacific Grove which clearly states that there is to be no commercial or revenue producing uses or purposes within the refuge.
5. The City's coastal dunes are a counterpart or parallel to the intertidal area bordering our coastline. Most of the dune continuum, with the exception of Asilomar State Park and the Lighthouse Reserve have been destroyed by development. Now the CCRSG has proposed to open up the middle of the PGMGFR as a SMCA that will allow economic and commercial impacts out to a depth of 60'. Unless there is a comprehensive and intensive management program, the PGMGFR will further diminish its natural resources.
6. The City has a rich history of marine conservation measures that were supported by the people of Pacific Grove, its City Council and State Legislators, Senator Fred Farr and Senator Henry Mello. The MLPA CCRSG has not even recognized the efforts of the people of Pacific Grove at local and State level to protect their historic marine garden refuge.

7. The California Department of Fish and Game (DFG) is currently permitting the extraction of 'up to 5 tons of kelp per week' from the PGMGFR by just one kelp harvester. If this much kelp is being taken by one private kelp cutter, how much more is being taken by others? Kelp has a ecological symbiotic relationship between the intertidal invertebrate communities and subtidal communities. Permitting this much kelp removal without requiring an EIR is irresponsible management, and there are still many unanswered questions about the impact on marine life. Our kelp beds protect a large number of nearshore species and individuals in subtidal areas. All of this kelp removal over time is not part of the natural process. Consumptive use of kelp would still be allowed in waters deeper than 60'.

The CCSRG is opening the door to wholesale harvesting in our refuge which could, in time, be beyond the point of restoration. Fishing in the area for species such as rock fish (Sebastes), cabezon (Cottidae), kelp fish (Clinidae), greenling seatrout (Hexagrammos) and especially the monkey faced eels (Cebidichthys violaceus) is permitted with very little monitoring. These eels are being taken excessively by poke hole fishermen, in some cases ten per day, under a sports fishing license. The DFG knows little about their status, life history, and abundance of this species in our refuge.

8. The MLPA BRTF needs to consider potential human impacts from our visitors to the PGMGFR shoreline. The Coalition has worked with the Rocky Intertidal Preservation Project in conjunction with Orange Coast College on human impacts on tide pools. Their studies, findings and conclusions are sobering. "The quantity and diversity of marine life in local tide pools has declined abruptly in recent decades. Of 135 different species that could be found in a baseline study in the intertidal areas of Little Corona in 1975, almost 100 species are now gone according to Linda Schaefer, President of the Rocky Intertidal Project. In addition to the drop in overall number of species, she noted Little Corona also shows a sharp reduction in sheer number of creatures while the 1975 study found more than 8000 plants and animals on the rocks, Schaefer said her group came up with only about 800. These findings were presented to the Academy of Science at USC in May, 2000.

9. We share the same purposes of making our entire refuge a SMR as does Hopkins which has been protected for 80 years. However, Hopkins Marine Life Refuge is protected by a chain link fence. The City of Pacific Grove is not intending to keep people out of these areas by constructing fences along portions of the proposed SMR. Where are the funds and personnel coming from to manage and enforce these separate areas? The legal and illegal take of marine animals and plants from the PGMGFR has been extensive and excessive, particularly over the last 15 years

10. We call your attention to the National Marine Sanctuary Act under provisions and policies, #7: to develop and implement coordinated plans for protection and management of these areas, including Federal, State, Local governments and Native American Tribes. : Breaking up the refuge will be in opposition to the descendants of Native Americans who once occupied these historic lands. In a letter addressed to the Pacific Grove Mayor and City Council dated 2/10/05, the local Esselen Indian Vice Chair wrote:

As stewards of this ancient land, we believe it is the responsibility of the City of Pacific Grove to protect and preserve the Lighthouse Reservation, the Indian artifacts that remain and historical significant tide pools in the refuge for the enjoyment of future generations. Indeed, it is the duty of all of us to carry on the traditions of caring for the land, and our natural heritage. In consideration of the archeological and historical significance of the entire coastline of Pacific Grove and the biological richness of the natural marine environment in the refuge, we respectfully request the City Council pass this Resolution of Preservation of the Tidelands on 2/16/05."

The reasons for total protection of our entire PGMGFR are lengthy, historic and based on sound science and current marine conservation principles conforming to A.B. 993. It will be the model SMR for the MLPA and State of California in size, spacing, abundance and diversity. It has all the elements of a SMR with its biological, archeological, cultural and historical significance. Dr. Gaines very aptly described the elements of a large reserve, and we believe ours will be the Mother of All Reserves along the California coast.

The citizens of the Monterey Peninsula are joining together under the leadership of the Tidepool Coalition in a community effort to preserve the city's refuge in its entirety. On March 11, 2006 on Cannery Row at David and Wave Streets where the city's refuge begins and which is the center of local marine conservation around the Monterey Bay, there will be a public rally and peaceful protest demonstration to notify the MLPA BRTF, especially Chairman Phil Isenberg, and to reinforce to the Governor of this State, Fish and Game Commission, Fish and Game Director that the entire PGMGFR must be designated as a State Marine Reserve.

In a letter that the Coalition wrote on 11/21/05 to Governor Schwarzenegger, Pacific Grove is a California coastal community that values its marine heritage. Its citizens will continue to lead the State as responsible stewards of

its marine resources. The Tidepool Coalition believes it stands on firm ground, and we are also convinced in this new millennium that it will be the people of this community who will ultimately determine the destiny of our beloved Pacific Grove Marine Gardens Fish Refuge.

Respectfully,

Jim Willoughby, Chair